



# Transmission Line Approval Process

## **The Public Service Commission**

The Public Service Commission of Wisconsin (PSC) regulates Wisconsin's utilities. A three-member board (the Commission), appointed by the governor, makes decisions for the agency using analysis provided by a technical staff with a wide range of specialties.

The PSC staff analyzes the transmission line application for need and potential impacts. The size and complexity of the proposed project will determine the PSC review process. The PSC considers alternative sources of supply and alternative locations or routes, as well as need, engineering, economics, safety, reliability, individual hardships, and environmental factors when reviewing a transmission project.

An applicant must receive a Certificate of Public Convenience and Necessity (CPCN) from the Commission for a transmission project that is either:

- 345 kilovolts (kV) or greater; or,
- less than 345 kV but greater than or equal to 100 kV, over one mile in length, and needing some new right-of-way (ROW)

The CPCN review process includes a public hearing in the affected project area.

Projects less than 100 kV and/or less than one mile long must receive from the Commission a Certificate of Authority (CA) if the project's cost is above a certain percent of the utility's annual revenue. The CA review process does not automatically include a public hearing.

## **Route Selection and Alternatives**

The applicant provides information on possible routes in its application. More than one route must be proposed for projects that require a CPCN. Often the applications will include various segment alternatives.

The applicant may hold several public meetings before making final routing decisions. At these meetings, the public is encouraged to provide additional information and comments on the proposed transmission line.

The PSC treats all routes equally during its review of the application. Potential impacts to aesthetics, farm operations, airports, archeological/historical sites, protected species, forests, waterways, and community resources are reviewed. The PSC also examines the potential for locating new lines adjacent to railroads and roads, or within existing utility corridors. The route finally chosen may be the applicant's preferred route, a combination of reasonable

routes, or a variation of a route suggested by a member of the public. The Commission selects the route when it issues an order granting the CPCN or CA.

### **Transmission Right-of-Way**

An electric transmission is a strip of land that a utility uses to construct, maintain, and repair a power line. Some projects require new or expanded ROWs. The applicant will then need to negotiate with landowners to acquire this “easement.” For larger projects, the CPCN must be issued prior to beginning negotiations with landowners. Easement discussions with landowners can begin at any time during the PSC process with smaller projects.

The easement contract is a private agreement between the landowner and the applicant. Wisconsin law [Wis. Stat. § 182.017(7)(c) to (h)] lists a set of rights for landowners whose properties are affected by transmission lines that are 100 kV or larger and over one mile in length.

### **The PSC Public Notification Letter and Scoping Meetings**

After an application is filed with the PSC, the public is notified by the PSC that the review process is beginning. Usually, the PSC sends a public notification letter to all property owners on or near the proposed ROW, as well as local government officials, local libraries, the media, and other agencies and interested persons. This notification briefly describes the project, includes a map, and identifies the level of environmental review the project will require, lists places where copies of the application are available for review, and gives contact information for comments and questions.

The PSC may hold a project scoping meeting after notifying the public about the project. A project scoping meeting is not a hearing. It is an informal event that gives the public a chance to learn about the proposed project, ask questions, and talk directly with the applicant and PSC staff. The meetings may be held one or more times during the review process and are held in the area of the proposed project. The public is encouraged throughout the process to contact the PSC staff and submit comments regarding the project.

### **The Environmental Impact Statement**

All applications are reviewed for environmental impacts, but few transmission construction cases require an Environmental Impact Statement (EIS).

### **The PSC Hearing**

Not all electric transmission cases require PSC hearings. However, for cases that do require a hearing, members of the public are encouraged to testify to their views and concerns about the project.

When a hearing is held, the Commission decision must be based only on the information in the testimony or exhibits of the hearing. All testimony is recorded by a court reporter and becomes part of the permanent “record” used by the Commission in making its decision. Discussion and comment letters are not part of the record and cannot be used as a basis for the decision.

**NOTE: The Commission must base its decision on information in the record. Views given outside the hearing or after the record is closed cannot be used by the Commission.**

The Notice of Hearing is mailed to everyone on the PSC project mailing list. This mailing list is the same as that used for the public notification letter, along with additional individuals who have since requested to be placed on it. Public hearings are held in the area of the proposed project.

A PSC hearing is not usually held for CA projects. However, comments by the public may still be submitted either by telephone or in writing. Members of the public can ask for a hearing on a CA project by contacting the PSC. The Commission then decides whether a hearing would be useful in making its decision.

### **PSC Decision**

The Commission is responsible for making the final decision about proposed transmission lines. The Commission reviews all testimony from PSC staff, the applicant, DNR staff, full parties, and members of the public.

The three Commissioners meet regularly in “open meetings” to decide cases before them. At these open meetings, transmission line proposals are approved, denied, or modified. The Commission decides whether the line will be built, how it is designed, and where it will be located. The meetings are open to the public for observation, but not public comments. The Commission’s decision is described in a written order to the project applicant.

### **How to Get Involved**

- Read the notification letter
- Review the construction application
- Attend the public information meetings organized by the applicant
- Attend the PSC scoping meetings
- Verify that you are on the PSC mailing list
- Ask questions of the utility, DNR, and PSC staff
- Submit comments to the PSC
- Read and comment on the EIS, if one is prepared
- **Testify at the PSC hearing**

*The PSC does not discriminate on the basis of disability in the provisions of programs, services, or employment. If you are speech, hearing, or visually impaired and need assistance, call (608) 266-5481 or TTY (608) 267-1479. We will try to find another way to get the information to you in a usable form.*

For More Information Contact:

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